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CHAPTER 71  
REGULATIONS GOVERNING THE DISCHARGE OF SEWAGE AND OTHER WASTES FROM  
BOATS

**9VAC25-71-10. Definitions.**

For the purposes of this chapter, the following definitions apply:

"Act" means the Clean Water Act (33 USC § 1251 et seq.) and standards and regulations promulgated thereunder.

"Board" means the State Water Control Board.

"Container seal" means a tamper-evident plastic or wire security device.

"Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"Discharges incidental to the normal operation of a vessel" means discharges of graywater (galley, bath and shower water), bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other discharge from a properly functioning marine engine or propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or catapult, or from a protective, preservative, or adsorptive application to the hull of a vessel, or a discharge in connection with the testing, maintenance, and repair of a system described above whenever the vessel is waterborne. It does not include a discharge of rubbish, trash, garbage, other such material discharged overboard or pollution.

"Houseboat" means a vessel that is used primarily as a residence and is not used primarily as a means of transportation.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of natural resources.

"Macerator pump valve" means a valve in a vessel's sewage piping that in the open position allows an overboard discharge of sewage via a through-hull fitting.

"Marina" means any installation, operating under public or private ownership, that provides dockage or moorage for boats (exclusive of paddle or rowboats) and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or its lessee, renters or users of its facilities.

"Marine sanitation device" means any equipment installed on a boat or vessel and that is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

"No Discharge Zone" means an area where a state has received an affirmative determination from the U.S. Environmental Protection Agency that there are adequate facilities for the removal of sewage from vessels (holding tank pump-out facilities) in accordance with § 312(f)(3) of the Act, and where federal approval has been received allowing a complete prohibition of all treated or untreated discharges of sewage from all vessels;

"Other waste" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances, except industrial waste and sewage, which may cause pollution in any state waters.

"Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that (a) an alteration of the physical, chemical,

or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution" for the terms and purposes of this chapter.

"Pump-out facility" means any device, equipment or method of removing sewage from a marine sanitation device. Also it shall include any holding tanks either portable, movable or permanently installed, and any sewage treatment method or disposable equipment used to treat, or ultimately dispose of, sewage removed from boats.

"Sewage" means human body wastes, the wastes from toilets and other receptacles intended to receive or retain human wastes, and liquid-carried human wastes together with such industrial wastes and other liquid as may be present.

"State" means the Commonwealth of Virginia.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth of Virginia or within its jurisdiction, including wetlands.

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used on the waters of the state, including boats and houseboats regardless of size, means of propulsion or place of registry.

"Y-valve" means a valve in a vessel's sewage piping that in the open position allows an overboard discharge of sewage via a through-hull fitting, and in the closed position prevents an overboard discharge and retains sewage in a holding tank.

#### **9VAC25-71-20. Federal regulations.**

The following federal regulations are hereby incorporated by reference: Marine Sanitation Device Standard, 40 CFR Part 140 (2006).

#### **9VAC25-71-30. Penalty.**

Section 62.1-44.33 of the Code of Virginia provides penalties for violations of these regulations.

#### **9VAC25-71-40. Miscellaneous waste discharges.**

No person shall discharge other wastes from any vessel on any navigable or nonnavigable waters into state waters. This provision shall not prohibit discharges incidental to the normal operation of a vessel and shall not be applicable to the harvesting of seafood and fisheries products.

#### **9VAC25-71-50. Sewage discharges.**

Vessels with installed toilets and marine sanitation devices shall be in compliance with federal regulations at 40 CFR Part 140 (2006), which set standards for sewage discharges from marine sanitation devices. Vessels without installed toilets or without installed marine sanitation devices shall not directly or indirectly discharge sewage into state waters. Sewage and other wastes from self-contained portable toilets or other containment devices shall be pumped out at pump-out facilities or carried ashore for treatment in facilities approved by the Virginia Department of Health.

#### **9VAC25-71-60. No discharge zones.**

The following requirements apply in designated no discharge zones:

1. All discharge of sewage, whether treated or not, and other wastes from all vessels into designated no discharge zones is prohibited. A listing of designated no discharge zones within the state appears at 9VAC25-71-70.

2. Vessels without installed toilets shall dispose of any collected sewage from portable toilets or other containment devices at facilities approved by the Virginia Department of Health for collection of sewage wastes, or otherwise dispose of sewage in a manner that complies with state law.
3. Vessels with installed toilets shall have a marine sanitation device to allow sewage holding capacity unless the toilets are rendered inoperable.
4. Houseboats having installed toilets shall have a holding tank with the capability of collecting and holding sewage and disposing of collected sewage at a pump-out facility or other facility approved by the Virginia Department of Health for collection of sewage wastes; if a houseboat lacks such tank, the sanitation device shall meet the requirements of subdivision 5 of this subsection.
5. Y-valves, macerator pump valves, discharge conveyances, or any other through-hull fitting valves capable of allowing a discharge of sewage from marine sanitation devices shall be secured in the closed position while in a no discharge zone by use of a padlock, nonreleasable wire tie, or removal of the y-valve handle. The method chosen shall present a physical barrier to the use of the y-valve or toilet.
6. Every owner or operator of a marina within a designated no discharge zone shall notify boat patrons leasing slips of the sewage discharge restriction in the no discharge zone. As a minimum, notification shall consist of no discharge zone information in the slip rental contract and a sign indicating the area is a designated no discharge zone.

**9VAC25-71-70. Listing of designated no discharge zones in the Commonwealth of Virginia.**

The following are designated no discharge zones:

1. Smith Mountain Lake in the counties of Bedford, Franklin and Pittsylvania, Virginia, from Smith Mountain Dam (Gap of Smith Mountain) upstream to the 795.0 foot contour (normal pool elevation) in all tributaries, including waters to above the confluence with Back Creek in the Roanoke River arm, and to the Brooks Mill Bridge (Route 834) on the Blackwater River arm.
2. The Lynnhaven River Watershed in the City of Virginia Beach, Virginia, including all contiguous waters south of the Lesner Bridge at Lynnhaven Inlet (latitude 36°54'27.90" N and longitude 76°05'30.90" W) and north of the watershed break point at the intersection of West Neck Creek and Dam Neck Road (latitude 36°47'17.60" N and longitude 76°04'14.62" W).
3. Broad Creek, Jackson Creek, and Fishing Bay Watersheds in lower Middlesex County, Virginia: the Broad Creek Watershed No Discharge Zone is defined as all contiguous waters south of the line formed between the points formed by latitude 37°33'46.3" N and longitude -76°18'45.9" W and north to latitude 37°33'47.4" N and longitude -76°19'24.7" W. The Jackson Creek Watershed No Discharge Zone is defined as all contiguous waters west of the of the line formed between the points formed by latitude 37°32'40" N and longitude -76°19'40.6" W at Stove Point Neck and latitude 37°32'46.8" N and longitude -76°19'15.6" W at the western point of the entrance to the eastern prong of Jackson Creek. The Fishing Bay Watershed No Discharge Zone is defined as all contiguous waters north of the line formed between the points formed by latitude 37°32'01.9" N and longitude -76°21'43.5" W at the southernmost tip of Bland Point and latitude 37°31'29.4" N and longitude -76°19'53.6" W at the southernmost tip of Stove Point. This area includes all of Fishing Bay and encompasses Moore Creek and Porpoise Cove.